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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9613 of 1996

Between:

Vemula Bala Raju Goud S/o Malla Goud

Aged about 58 years, Occ: Agriculturist

R/o Kollamaddi village, Gambiraopet Mandal, Karimnagar District

..... PETITIONER

AND

1.The Manager, District Cooperative Central Bank Ltd.,

Head office: Karimnagar, Karimnagar district

2,The Branch Manager, District Co-op. Central Bank Ltd.,

Musthabad branch, Karimnagar district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing proceedings demanding to pay the loan amount of Rs.9200/- from the petitioner is illegal, improper, arbitrary and unreasonable and contrary to the guidelines issued for implementation of Agricultural and Rural Debt Relief Scheme 1990 and set aside the same by directing the respondents to waive the loan amount due by the petitioner.

Counsel for the Petitioner: MR.J.SIDDAIAH

Counsel for the Respondents: None appeared

The Court made the following :

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ORDER:

The petitioner claims to be an agriculturist. He states that he obtained agricultural loan of Rs.6,000/- from the District Co-operative Central Bank Limited, Musthabad, Karimnagar District in the year 1985 under Loan A/c No.18/4 for agricultural purpose. It is further stated that the Government of India issued certain guidelines for implementation of Agricultural and Rural Debt Relief Scheme proposing to waive the agricultural loans up to the limit of Rs.10,000/-. The case of the petitioner is that he is entitled to the benefit of the said scheme and therefore the loan availed by him is liable to be waived. He states that, as a matter of fact, he was orally informed by the respondents that the loan amount has been waived. However, he was served with a demand notice in the year 1995 calling upon him to pay the installments on or before 1-4-1995 towards the loan availed by him, failing which action will be initiated for recovery of the same in accordance with the Law. In the said demand notice, it has been mentioned that the petitioner has availed loan of Rs.6,000/- and that he is also liable to pay the interest to a tune of Rs.3,200/- and thus a total sum of Rs.9,200/- is due from him.

Aggrieved by the same, the petitioner filed this Writ Petition seeking a declaration that the action of the 2nd respondent - District Cooperative Central Bank Limited, Musthabad in issuing demand notice is arbitrary, illegal and contrary to the guidelines issued by the Government of India for implementation of the Agricultural

and Rural Debt Relief Scheme, 1990. It is contended that as per clause 2 (a) (iii) and clause 2 (g) (i) of the Guidelines the petitioner is entitled to the benefit of the said scheme and therefore the loan is liable to be waived.

While issuing Rule Nisi, this Court on 26-04-1996 in W.P.M.P.No.11791 of 1996 granted interim stay of all further proceedings in pursuance of the impugned demand notice and the same is operating as on today.

In spite of service of notice, the respondents did not put in appearance and the claim of the petitioner has not been opposed.

Having regard to the facts and circumstances of the case and in the absence of any counter-affidavit from the respondents, the uncontraverted averments in the Writ Petition shall be taken to have been admitted.

In the circumstances, the impugned demand notice is set aside. The Writ Petition is accordingly disposed of. No costs.

20th JULY 2004

BSS/GBS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Manager, District Cooperative Central Bank Ltd.,

Head office: Karimnagar, Karimnagar district

2,The Branch Manager, District Co-op. Central Bank Ltd.,

Musthabad branch, Karimnagar district.

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